



# Hamilton

## REPORT 12-003

### Accountability and Transparency Sub-Committee

Tuesday May 8, 2012

11:00 a.m.

Room 264

Hamilton City Hall

71 Main Street West

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**Present:** Councillors L. Ferguson (Chair), J. Partridge (Vice-Chair),  
T. Whitehead  
J. Chapman, D. Broom, D. Arbuckle and L. Ryan

**Absent with Regrets:** Mayor B. Bratina

**Also Present:** Councillor M. Pearson  
R. Rossini, GM, Finance & Corporate Services  
R. Sabo, Acting City Solicitor  
R. Caterini, City Clerk  
V. Robicheau, Legislative Coordinator

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**THE ACCOUNTABILITY AND TRANSPARENCY SUB-COMMITTEE PRESENTS  
REPORT 12-003 TO THE GENERAL ISSUES COMMITTEE AND  
RESPECTFULLY RECOMMENDS:**

1. **Closed Meeting Investigations (LS12008) (City Wide) (Item 6.2)**
  - (a) That Report LS12008, Closed Meeting Investigations, be received;
  - (b) That the Ontario Ombudsman continue to provide services to the City of Hamilton for closed meeting investigations.

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**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

None.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

**(c) APPROVAL OF MINUTES (Item 3)**

The minutes of the March 29, 2012 meeting were tabled.

**(d) PRESENTATIONS**

**5.1 Lobbyist Registries - Lynn Morrison, Integrity Commissioner, Province of Ontario**

Lynn Morrison, Integrity Commissioner, Province of Ontario, and Valerie Jepson, Counsel, provided an overview of the workings of the Province of Ontario's Lobbyist Registry with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

Discussion included, but was not limited to: the consequences of speaking to lobbyists who are not registered; the rules in which one qualifies to be a lobbyist; the steps required in order to create a definition of a lobbyist; who can be lobbied; the technology requirements of the lobbyist registry; the importance of educating those on the lobbyist registry; what other municipalities are doing; and how to encourage better professionalism of lobbyists.

**(e) DISCUSSION (Item 6)**

The minutes of the March 29, 2012 meeting were lifted from the table.

The minutes of the March 29, 2012 were amended by removing item 1 from the recommendation section and placing it in the information section.

The Minutes of the March 29, 2012 Accountability and Transparency Sub-Committee, were approved, as amended.

**6.1 Referral Motion from the General Issues Committee for the Accountability and Transparency Sub-Committee Report 12-002**

The amendment to the minutes of the March 29, 2012 meeting was discussed at this time. Report 12-002 was referred back to the Accountability and Transparency Sub-Committee from the General Issues Committee to discuss item 1 of the recommendation section.

The Committee waived its solicitor-client privilege to hear the Solicitor's advice in open session.

Ron Sabo, Acting City Solicitor, provided an overview of the media blackout and the powers a municipality has to enforce such a requirement during an investigation of a complaint made to the Integrity Commissioner. He also related this requirement of the media blackout to the Canadian Charter of Rights and Freedoms. Mr. Sabo also indicated that this approach would not be desirable as the dismissal of a complaint would deny both parties of the process and a conclusion to the complaint.

Item 1(b)(ii) of the recommendation was withdrawn.

The following recommended amendments were included into a draft Integrity Commissioner by-law and contract, to be brought back to the Accountability and Transparency Sub-Committee on May 17, 2012:

- (a) The Integrity Commissioner's Contract was amended to include the following provisions:
  - (i) The Integrity Commissioners contract was amended in Schedule "A", to include under the sub-section "service", to include the following words, "that the Integrity Commissioner be available for up to three meeting invitations annually from community groups, with only out of pocket expenses being reimbursed.";

- (ii) The initial point of contact is to be from the Integrity Commissioner to Councillors when a complaint is filed;
  - (iii) A notice of receipt and a 36-hour time frame for responses from the Integrity Commissioner was established for both citizen and Councillor inquiries.
- (b) By-law No. 08-154, To Establish The Office Of the Integrity Commissioner, was amended in Section 22.(1) to include that, “the Integrity Commissioner is to report back to Council within 60-days of receipt of a complaint, unless the Integrity Commissioner makes application for an extension.”;

## **6.2 Integrity Commissioner’s Contract Renewal (Verbal)**

The term of Integrity Commissioner’s Contract was extended by two-years from July 31, 2012 to July 31, 2014.

### **(f) ADJOURNMENT (Item 8)**

There being no further business, the Accountability and Transparency Sub-Committee adjourned at 2:00 p.m.

Respectfully submitted,

Councillor L. Ferguson  
Chair, Accountability and  
Transparency Sub-Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk  
May 8, 2012